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August 22, 2024

Via ECF

The Honorable Malachy Mannion
United States District Court
Middle District of Pennsylvania

Re: French, et. al. v. County of Luzerne, et. al.
No. 3:23-cv-00538

Dear Judge Mannion:

As the Court is aware, I represent plaintiffs in this case. I am writing for two reasons. First, I am writing to advise the Court that the parties are available for a rescheduled oral argument on the parties' cross motions for summary judgment on the following dates: September 5, September 12, September 13, September 25, and September 27.

Second, I am writing to advise the Court that the parties have made no progress towards settlement because the County has never responded to the plaintiffs' settlement demand. As your Honor may recall, on July 30, 2024, the County stated that it would respond to the plaintiffs' settlement demand during the first of August. But plaintiffs received no such response. After inquiring with counsel for the County regarding when plaintiffs could expect a response to plaintiffs' settlement demand, on August 9, 2024, counsel for the County advised that a response could be expected by August 16, 2024. Yet again I received no response. In a final effort to obtain a response from the County, I spoke by phone with counsel for the County on Monday, August 19, 2024. During that call, I told counsel for the County I would be contacting the Court if I did not receive a response to plaintiffs' settlement demand. I again received no response and, therefore, I am writing to the Court for assistance.

The County's unwillingness to respond to the plaintiffs' settlement demand despite repeated promises is troublesome. It is clear evidence of the County's cavalier attitude towards the administration of its elections and this litigation in general. Therefore, plaintiffs believe the only way to engender a good-faith response from the



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County is for the Court to compel **each member** of County Council to appear before your Honor to respond to the plaintiffs' settlement demand. The County's conduct is also concerning considering the impending general election. Unfortunately, the only way to assure that elections are conducting freely and fairly in the County is through judicial intervention.

We stand ready to answer any questions that the Court might have about this critical matter.

Respectfully,

Wally Zimolong, Esquire

cc: Drew McLaughlin, Esquire (via ECF)